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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,317	08/15/2003	Golden S. Hinton	21112.002US	2852

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EXAMINER
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ROSENBERG, LAURA B

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/642,317

Applicant(s)

HINTON, GOLDEN S.

Examiner

Laura B Rosenberg

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46, 51 and 55 is/are rejected.
- 7) ☒ Claim(s) 47-50 and 52-54 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/15/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "P" in figure 9 (page 15, line 4). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claims 1, 4, 5, 9, 11, 14, 16, 22, and 30-33 are objected to because of the following informalities:

"the wheelprint" should be changed to --a wheelprint-- (claim 1, line 3);

"the open/enclosed panel system" should be changed to --the sliding panel system-- (claim 1, line 3);

"being quickly" should be changed to --are quickly-- (claim 1, line 3);

"prevents" should be changed to --prevent-- (claim 4, line 2);

“safety/utility bar” should be changed to --safety or utility bar-- (claim 5, line 2);  
parenthesis should be avoided in the claims (claims 9, 31-33);  
“the riding area” should be changed to --a riding area-- (claim 11, line 5);  
“and not adversely” should be changed to --and does not adversely-- (claim 14,  
line 3);  
“at least on” should be changed to --at least one-- (claim 16, line 1);  
“so at to” should be changed to --so as to-- (claim 22, line 3);  
“faster a preset speed” should be changed to --faster than a preset speed--  
(claim 30, line 3).  
Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-19, 26, 29-43, 45, 46, 51, and 55 are rejected under 35 U.S.C. 102(b) as being anticipated by Pham (5,401,055). Pham discloses:

- Vehicle (best seen in figure 1) takes up less space on a road than a typical automobile (best seen in figure 6)
- Frame (including #79)
- Primary front and rear wheels (#65, 67)

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- Retractable wheels (#66) can prevent vehicle from tipping over and can serve as protective barrier (best seen in figures 2, 6)
- Sliding panel system comprising an enclosure (including #6, 8-10, 20; best seen in figure 1) and a sliding panel (including #8, 20)
- Integral safety/utility bar (including #46, 47, and various bars along enclosure)
- Convenience or safety features (for example, air conditioning/climate control, impact sensors)
- Vehicle volume is approximately 6 feet long, 5 feet high, and 2 feet wide (best seen in figure 1)
- Enclosure has sufficient volume to accommodate 2 people and 2 standard sized luggage containers (best seen in figure 1)
- Leg assembly (best seen in figures 2, 4) comprising a strut (#47), pivot point (including connection point between #46 and #21, not labeled), axle (not labeled; best seen in figures 1, 2, 4) for retractable wheel
- Locking means (column 5, lines 49-60)
- Retractable wheels operated automatically when moving faster than a preset speed (columns 7, 8; figure 5) or operated manually (column 8)
- Control arm (including #26, 31)
- Rider can pull a handle (wrist handle) upwards to retract the retractable wheels and can push downwards to extend the retractable wheels (column 8, lines 26-53)
- Spring (#50)
- Windows (including #8, 20)

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- Retractable wheels located outside the enclosure when retracted (best seen in figures 2, 6)
- Means for entering and exiting the enclosure (including #6, 8, 9, 20) comprising a system of sliding panels (including #8, 20) contained in a frame (including #79), movable cross bar (including #8, 20) that pivots, panel (including #8, 20) movable in two directions (up and down) creating openings of different sizes, shapes, and locations within the frame
- Movement of the panel (including #8, 20) in one direction (for example, downward) creates an opening in the system
- Movable bar (including #8, 20) pivots to a position (shown in dotted lines in figure 1) that creates a larger opening through the frame greater than the size of the panels.

5. Claims 11, 12, 14-30, 34-40, 42, and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Geiger (5,048,864). Geiger discloses:

- Vehicle (best seen in figure 1)
- Frame (including #32)
- Front and rear wheels (#20, 21)
- Retractable stabilizing member (including wheels #14) can prevent vehicle from leaning more than a predetermined angular amount
- Enclosure (including #1) comprising windows (best seen in figure 1)
- Leg assembly (best seen in figures 3, 4) comprising a strut (#17), pivot point (portion of #17 near #15), axle (not labeled; best seen in figure 4)

- Control arm (including #33) extending to an actuating motor (#25)
- Pivot point (portion of #17 near #15) is a "drive shaft" on an actuating motor (#17 is a shaft and it is driven in an upward/downward position by motor #25)
- Locking means (#30, 31)
- Tension spring (#29)
- Retractable stabilizing member is operated automatically for movement faster than a preset speed, or manually (column 3)
- Control arm (including unlabeled arm located between #30 and #23) terminating in a handle (including #23) that a rider is able to pull upwards to retract the retractable wheels and can push downwards to extend the retractable wheels
- Bar (including bar along middle portion of enclosure; not labeled, but best seen in figures 1, 2)
- Retractable wheels located inside the enclosure when retracted (best seen in figures 2, 6)

***Allowable Subject Matter***

6. Claims 47-50 and 52-54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: the allowable subject matter is the specific features of the sliding panel system

set forth in claims 47 and 52-54 in combination with a vehicle including an enclosure, a retractable stabilizing member, and other presently claimed limitations.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gigli, Archer, Sakita, Watkins, Willman, and Royal, Sr. et al. each disclose a vehicle with retractable stabilizing wheels.

Bothwell et al., Boutin, and Belisle each disclose a vehicle with an enclosure.

Pattner, Sutton, Soo Hoo, Horn, Pham ('847), Kuo, Hubert, and Kasuga each disclose a vehicle with an enclosure and retractable stabilizing wheels.

Cowie discloses a vehicle with an enclosure and a retractable stabilizer.

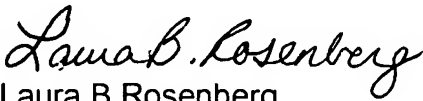
Wilson discloses a vehicle with a sliding enclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B Rosenberg whose telephone number is (703) 305-3135. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Laura B Rosenberg  
Patent Examiner  
Art Unit 3616

LBR

 2/2/05  
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